



"Promoting consumer  
choice and innovation  
through advanced  
facilities-based networks."

## BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA<sup>1</sup>

**FILED ELECTRONICALLY**

July 26, 2007

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29, MB Docket No. 05-311, and CSR -7108

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, The Broadband Service Providers Association (BSPA) submits this notice of an *ex parte* presentation in the above-captioned proceedings.

On July 25, 2007 Felix Boccucci, V.P. Business Development, Knology; Bill Heaston, Director, Governmental Affairs, PrairieWave; Richard Ramlall, SVP, Strategic & External Affairs, RCN; Gary Evans, CEO, Hiawatha Broadband; and I had meetings on behalf of the Broadband Service Providers Association (BSPA) with Rudy Brioche, Legal Advisor to Commissioner Adelstein, Bill Freedman, Legal Advisor to Commissioner Tate, Cristina Pauze, Legal Advisor to Commissioner McDowell, Rick Chesson and Bruce Gottlieb, Legal Advisors to Commissioner Copps; and Monica Desai, Rosemary Harold, and Holly Saurer from the Media Bureau to discuss the Commission's rulemaking on the further extension of the prohibition against exclusive contracts as part of Section 628, cable franchise-related issues, and CSR-7108.

At these meetings we discussed the policy recommendations made by the BSPA and its members as part of comments filed in MB docket No. 07-29 and application of the new franchise rules adopted by the commission as part of MB Docket No. 05-311 as they might apply to existing competitive franchises as recommended in the Further Notice for Proposed Rulemaking for franchise reform.

In addition to the policy recommendations that were part of written comments submitted to the commission we discussed the current franchise negotiations between Knology and the City of Montgomery Alabama and the City of Huntsville

---

<sup>1</sup> The current members of BSPA, all of which are last-mile, facilities-based providers, are: Everest Connections, Hiawatha Broadband, Knology, PrairieWave Communications, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945

Page 2

cc: Rudy Brïoché, Bill Freedman, Cristina Chou Pauze, Bruce Gottlieb, Rick Chessen, Monica Desai, Rosemary Harold, Holly Saurer

Broadband Service Providers Association (BSPA)  
FCC Meeting Agenda  
July 25, 2007

BSPA Attendees: Richard Ramlall, RCN  
Felix Boccucci, Knology  
William "Bill" Heaston, Knology/PrairieWave  
Gary Evans, Hiawatha Broadband  
John Goodman, BSPA

1. Introduction

2. Program Access

- Assured access to programming is essential to competition. Any diminished access to content will harm both current and desired competition.
- We recommend extension of the current rules with strengthened enforcement procedures.
- A minimum of 5 years
- Better discovery with appropriate assured confidentiality
- 90 day complaint proceedings
- Use of binding arbitration to resolve pricing disputes
- The current rules have been historically essential and have caused no harm.
- We request FCC support to close the Terrestrial Loophole.

3. Broadband

- There is direct connection between effective program access rules and the further development of Broadband.
- New wireline investments will be for bundled services.
- Video revenues are essential for the economic success of capital investments. They represent from 35-55% of total network revenues.
- Video and broadband issues should not be viewed as completely separate service offerings for wireline networks.
- Wireline networks offer compelling solutions to rural broadband issues.
- A new GAO Study has been requested by the House Oversight Committee. This study should isolate different segments of the industry to identify the impact of different types of competitive markets and service offerings.

4. Franchising

- We fully support the application of the new FCC Franchising Rules to competitive franchise renewals.
  - Knology examples from Huntsville and Montgomery.
  - BSPA has endorsed OMB approval of the FCC Franchising Order.

Ms. Marlene H. Dortch, Secretary

July 26, 2007

Page 4

- Letter submitted to OMB.
- The net effect of the franchising order will be a reduction in paperwork, not an increase.